

FILE COPY

**STATE OF MICHIGAN
BEFORE THE JUDICIAL TENURE COMMISSION**

In re:

Hon. Norene S. Redmond
38th District Court
16101 E. 9 Mile Road
Eastpointe, MI 48021

Grievance Nos: 2006-16451
 2006-16509
 2006-16771
 2007-16812

SETTLEMENT AGREEMENT

Hon. Norene S. Redmond ("Respondent"), through her attorney, Theresa Asoklis, and the Examiner,¹ Paul J. Fischer, (collectively, "the parties") stipulate as follows:

A. PROCEDURAL MATTERS

1. There are currently pending before the Michigan Tenure Commission ("the Commission") certain Requests for Investigation (2006-16451, 2006-16509, 2006-16771, and 2007-16812, collectively "the Grievances") alleging, among other things, that Respondent improperly set bonds and imposed improper conditions of probation.

2. In an effort to resolve this matter, the parties have entered into negotiations among themselves and have entered into this agreement ("the Settlement Agreement") in a mutual desire to bring this matter to closure.

3. The parties stipulate that a set of stipulated facts ("Stipulated Facts") shall be presented to the Commission, which shall be the sole factual basis for the Commission's decision and recommendation in this matter. The Stipulated Facts are set forth in Section B, below.

¹ Although no formal complaint has been issued, the Judicial Tenure Commission's executive director assumes the role of "examiner" for purposes of this proceeding, as he and the Respondent are in adversarial positions, and call upon the Commission in its adjudicatory role. See MCR 9.201(B)(F).

4. The Commission is to use the Stipulated Facts in lieu of the Master's report set forth in MCR 9.214.

5. The parties agree that the Stipulated Facts are conclusive as to the matters stipulated.

6. The parties agree that the maximum sanction the Commission may recommend to the Michigan Supreme Court ("the Court") in this matter is a public censure.

7. Respondent hereby knowingly, intentionally, and voluntarily waives her right to:

- a. a hearing before the Commission on the issues raised in this matter;
- b. a hearing before a Master on the issues raised in this matter;
- c. a Master's report setting forth findings of fact and/or conclusions of law with respect to the issues raised;
- d. object to those findings before the Commission;
- e. a *de novo* review of the factual record by the Commission prior to the Commission's issuance of its Decision and Recommendation for Order of Discipline; and
- f. appear before the Commission and argue regarding the facts and/or potential sanction recommendation.

8. Respondent consents to a public censure by the Michigan Supreme Court, and this document constitutes her consent to be disciplined pursuant to MCR 9.220(C).

9. If the Commission accepts the Settlement Agreement, it shall issue a Decision and Recommendation, in accordance with MCR 9.220(A) and MCR 9.223, recommending a sanction, if any, no greater than a public censure based on Grievance Nos. 2006-16451, 2006-

16509, 2006-16771, and 2007-16812. The Commission shall dismiss any other grievances pending as of July 13, 2007, if the Court issues a public censure.

10. If the Commission or the Court rejects this Settlement Agreement, nothing in the Agreement may be used against the Respondent in the proceedings on any formal complaint that may issue based on the grievances.

11. This Settlement Agreement, being in the nature of an offer to compromise, shall remain confidential until the Commission releases its Decision and Recommendation in this matter. The Commission may then attach a copy of this Settlement Agreement to its Decision and Recommendation, which shall be filed with the Court and be a public record.

B. THE STIPULATED FACTS

1. Respondent is, and at all material times was, a judge, of the 38th District Court in Eastpointe, Michigan. With respect to Grievance No. 06-16451, Respondent was sitting as a judge of the 41A District Court (Shelby Township) acting pursuant to Joint Local Administrative Order D37 2005-01J. As a judge, she is subject to all the duties and responsibilities imposed on her by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205.

Grievance No. 2006-16451

2. On January 14, 2006, Jeannine Somberg's 16-year-old son, Nicholas, called 911 and reported that his mother hit him with a belt. The Shelby Township Police responded and noticed Nicholas had a red welt on his left arm. Nicholas refused to sign a statement.

3. Ms. Somberg, who was outside when the police arrived, was uncooperative with one of the officer's attempts to have her go inside. When the officer tried to arrest her, she ran into the house and locked herself and her 12-year-old autistic son in the bathroom. She

eventually exited the bathroom. The Shelby Township officers arrested her for domestic violence and for resisting arrest and obstruction of justice.² The misdemeanor domestic violence charge carried a maximum sentence of 93 days and the felony resisting arrest and obstruction of justice charge carried a maximum of two years in prison. Ms. Somberg had a prior conviction of disorderly conduct.

4. The following day, Sunday, January 15, 2006, Respondent presided over a bond hearing for Ms. Somberg, who was unrepresented. Respondent set bond at \$5,000.00/10%. Ms. Somberg, who had been transferred within the Macomb County Jail complex, awaited release upon her parents' payment of \$500. (Exhibit 1, TR 6)

5. After the bond hearing, there was a disturbance in the adjacent hallway. Ms. Somberg's 16-year-old son Nicholas (the victim of the alleged domestic assault) referred to Respondent as an "asshole" out of the presence of both Respondent and his mother. A law enforcement official relayed the incident to Respondent, who promptly went back on the record, approximately 15 minutes after the bond hearing had ended. Respondent then raised Ms. Somberg's bond to \$25,000.00 cash/surety without the knowledge or presence of Ms. Somberg, and without citing MCR 6.106(H)(2)(a):³

THE COURT: This is the matter of Jeannine Lucido Somberg. Miss. [sic] Somberg had been before me this morning on a domestic violence case, involving her son, her 16 year old [sic] son who was in the courtroom along with family members. I took the appropriate information set a conditional bond, and given the nature of what she told me, regarding a special needs son, I set the bond at \$5000.00, 10 percent.

² *People v Jeannine Lucido Somberg*, 41-A District Court Case No. 06-188 FY. A copy of the transcript of the bond hearing is attached and incorporated into the Stipulated Facts as Exhibit 1.

³ Respondent contends that weekend bond hearings are routinely conducted at the Macomb County Jail by Macomb County district court judges and magistrates without the defendants being present either in person or via video link. The examiner cannot stipulate to that, but does not challenge it either.

Upon the bond being set, in the hallway, it came to my attention that there was an incident involving the sheriff's department and Shelby Township Police Officers, in which the alleged victim in this matter, was threatening in his manner and tone, along with other family members, and the 16 year old – was it the – the 16 year old [sic] proceeded to call me an asshole, in the officer's presence, which then was brought to my attention as well. And given the circumstances in this matter, and given the possible violent, and assaultive nature, not only of the alleged victim, the family and the Defendant, the bond will be \$25,000.00 cash surety only. All other terms and conditions apply. (Exhibit 1, TR 6)

6. At trial, a jury found Ms. Somberg not guilty of the underlying charge of domestic violence, but guilty of resisting and obstructing.

Grievance No. 2006-16509

7. James Braun was charged with two felonies: embezzlement from a vulnerable adult and larceny in a building, along with Isaac Lovell. The men had taken about \$800 in cash from the premises and had given an inflated estimate for a painting job to a 90-year-old woman. The woman paid them approximately \$3,000.00, which was excessive for the amount of work done.⁴

8. The maximum sentence for the embezzlement count is 5 years and/or \$10,000.00. The maximum sentence for the larceny count is a maximum sentence of four years and/or \$5,000.00.

9. On June 29, 2005, Respondent arraigned James Braun in 38th District Court.

10. There were television cameras in the courtroom. (Exhibit 2, TR 4)

⁴ *People v James Braun*, 38th District Court Case No. 05-7797. A copy of the bond hearing transcript is attached and incorporated into these Stipulated Facts as Exhibit 2.

11. Mr. Braun's attorney, George Michaels, pointed out that Mr. Braun had no prior adult or juvenile criminal record, no history of substance abuse or addiction, had recently moved with his parents and wife to Ortonville, Michigan, and would likely be sentenced to probation. He accordingly asked for a low bond to be set. (Exhibit 2, TR 4 – 6) Mr. Braun provided Respondent with his recently obtained Michigan telephone number, but had not yet changed his driver's license from Florida to Michigan. (Exhibit 2, TR 6 – 7)

12. Eastpointe Police Department Detective Neil Childs stated that the Police Department felt anyone who would take advantage of a 90-year-old is a threat to the public, that the Police Department did not believe that Mr. Braun had ties to the area because he gave the police officers a North Fort Myers, Florida address and that Ortonville is not considered close, and that the vehicle Mr. Braun was riding in with the co-Defendant had work orders from Delaware.⁵ Detective Childs asked for the highest possible bond that the Court felt was appropriate. (Exhibit 2, TR 7 – 10)

13. Respondent set bond for Mr. Braun at \$750,000.00.

14. After the matter went to Circuit Court, the embezzlement-from-a-vulnerable-adult and larceny-in-a-building charges against Mr. Braun were dropped pursuant to a plea agreement. He pled no contest to a charge of false pretenses and was sentenced to one year probation with credit for 12 days served.

15. Isaac Lovell was charged with two felonies: embezzlement from a vulnerable adult and larceny in a building, along with James Braun. The men had taken about \$800 in cash from the premises, and had given an inflated estimate for a painting job to a 90-year-old-woman.

⁵ The vehicle, however, belonged to Mr. Braun's co-defendant, Isaac Lovell and his wife, and was registered to Elizabeth Ann Riley in Ortonville, Mr. Lovell's wife. Exhibit 2, TR 8 – 10) The Lovells had moved to Michigan from Delaware. (Exhibit 3, TR 3-4)

The woman paid them approximately \$3,000.00, which was excessive for the amount of work done.⁶

16. The maximum sentence for the embezzlement count is 5 years and/or \$10,000.00. The maximum sentence for the larceny count is a maximum sentence of four years and/or \$5,000.00.

17. On June 29, 2005, Respondent arraigned Isaac Lovell. Mr. Lovell's attorney, Michael J. Dennis, pointed out that Mr. Lovell had a minimal prior criminal history, was married, had an 11-month-old child, and had recently established ties with the community of Ortonville, Michigan, having purchased a mobile home where he and his family lived in a trailer park in a mobile home he had purchased. (Exhibit 3, TR 3 – 4)

18. Eastpointe Police Department Detective Neil Childs pointed out that Mr. Lovell's criminal history dated back to 1996 in Florida for driving while license suspended, 1998 (Osceola County) for domestic violence battery, 2001 (Pinellas Park Police) for driving while license suspended, an obstruction charge for failing to appear on the driving while license suspended, 2004 for driving while license suspended in Orange County, and 2004 driving under the influence and driving while license suspended. On behalf of the Eastpointe Police Department, Detective Childs said that they had to assure the alleged victim that she and the other residents of the state that they will be protected. Detective Childs pointed out that Mr. Lovell have given an out-of-state address to the officers. Detective Childs expressed concerns about Mr. Lovell's ties to the area and whether or not he would return to court. Detective Childs also pointed out that Mr. Lovell appeared in the NABI ('National Association of Bunco

⁶ *People v Isaac Lovell*, 38th District Court Case No. 05-7796. A copy of the bond hearing transcript is attached and incorporated into these Stipulated Facts as Exhibit 3.

Investigators”) book, by name, picture, and date of birth as a “traveler” who has had contact with this type of activity at some point in his past. (Exhibit 3, TR 7 – 8)

19. Respondent set bond for Mr. Lovell at \$1,000,000.00.

20. After the matter went to circuit court, the embezzlement-from-a-vulnerable-adult and larceny-in-a-building charges against Mr. Lovell were dropped pursuant to a plea agreement. He pled no contest to a charge of false pretenses and was sentenced to one year probation with credit for 12 days served.

Grievance Nos. 2006-16771 and 2007-16812

21. Carmen Granata, a 23-year-old veterinarian technician, was cited on November 5, 2006, for violating the city noise ordinance.⁷

22. Ms. Granata admitted hosting a large party. After attending a concert some of the guests returned. Neighbors called the police to complain about the noise. The police initially did not observe any violations but advised Ms. Granata about the complaints. Some time around 4:00 a.m., one of the guests went outside to use a cell phone, and yelled or spoke loudly. The police, who were waiting in a car down the street, approached and ticketed Ms. Granata.

23. On November 21, 2006, Ms. Granata appeared before Respondent in *pro per*. She pled guilty to the misdemeanor noise violation. Ms. Granata had no prior criminal record. The maximum penalty for the ordinance violation was 90 days and/or \$500.00.

24. During the sentencing, Respondent read a petition from certain of Ms. Granata’s neighbors who complained about the parties and number of guests who frequented Ms. Granata’s house, allegedly causing disturbances. Respondent did not disclose that she knew some of the

⁷ *City of Eastpointe v Carmen Maria Granata*, 38th District Case No. 06B107898. A copy of the plea/sentence hearing transcript is attached and incorporated into these Stipulated Facts as Exhibit 4.

neighbors. Respondent also read favorable letters from certain of Ms. Granata's neighbors into the record.

25. Respondent allowed three of Ms. Granata's neighbors who had signed the petition, Jeffrey and Melissa Walsh, and Richard Jordan to speak out about their past experiences with Ms. Granata. Respondent does not contest that Richard Jordan was himself arrested in front of Ms. Granata's house for disorderly conduct and resisting arrest the night she was ticketed. Neither Mr. Jordan nor law enforcement officials disclosed this fact to Respondent on the record.

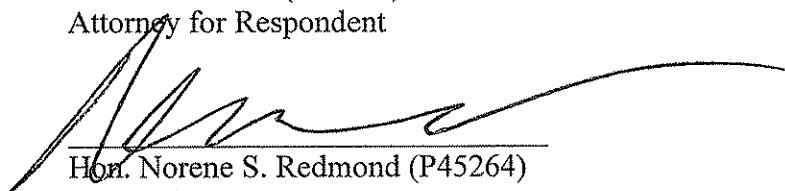
26. Respondent referred to Ms. Granata's neighbors as "the people who built this damn city" and agreed with one of them, "I wouldn't be scared of them either. They're just punks." Respondent repeatedly referred to Ms. Granata's residence as a "flophouse" and how she would be "livid" by the alleged activity. (Exhibit 4, TR 6, 11, 12, 13, 21)

27. Respondent imposed a sentence upon Ms. Granata which included fines and costs, and two years reporting probation with the first 30 days served in the Macomb County Jail, and several other strict terms, including, but not limited to, reporting twice monthly, daily preliminary breath tests at the police department and 38th District Court, subjection to home visits, 100 hours of community service, no parties unless approved by the neighbors who signed the petition, and no one to spend the night at her home except Ms. Granata and her brother who reside there. (Exhibit 4, TR 37 – 39)

28. On November 28, 2006, Respondent granted Ms. Granata's *Ex-Parte* Emergency Motion for Work Release. On December 4, 2006, Respondent denied Ms. Granata's motion to set aside the plea.

Paul J. Fischer (P35454)
Examiner

Theresa Asoklis
Theresa Asoklis (P42709)
Attorney for Respondent



Hon. Norene S. Redmond (P45264)
Respondent

Dated: July 13, 2007